

ORDINANCE NO. 2007- 017

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE PALM BEACH COUNTY CHARTER CONCERNING THE TRANSFER OR LIMIT OF A SERVICE, FUNCTION, POWER OR AUTHORITY OF A MUNICIPALITY; PROVIDING FOR CHARTER AMENDMENT LANGUAGE; PROVIDING FOR REFERENDUM AND BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR ADOPTION BY THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter; and

WHEREAS, the voters of Palm Beach County adopted the Palm Beach County Charter on November 6, 1984, effective January 1, 1985; and

WHEREAS, the Palm Beach County Charter provides that the Board of County Commissioners may propose a charter amendment subject to voter approval; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to propose a charter amendment that would require both County and Municipal approval of charter amendments affecting a municipal power or function.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. AMENDMENT OF CHARTER

Subject to the approval of the electorate as required by the Constitution and Laws of Florida, Section 6.3 of the Palm Beach County Charter shall be amended as follows:

Sec. 6.3 Home Rule Charter Amendments

Amendments to this Home Rule Charter may be proposed by the Board of County Commissioners by an affirmative vote of at least four (4) members, ~~subject to approval by the voters of Palm Beach County in a referendum.~~ The Home Rule Charter amendment may also be initiated by seven (7) percent of the number of voters qualified to vote in the last general election, and the initiated amendment shall be presented and verified in the manner and time set forth in Article V, Section 5.1. The Home Rule Charter amendment ~~so initiated~~ shall be placed on the ballot on the first Tuesday after the first Monday in November of any year or in connection with a presidential preference primary occurring at least thirty (30) days after verification. Amendments to this Home Rule Charter must be approved by a majority of the

1 voters of Palm Beach County voting in a referendum. Approved
2 charter amendments that transfer or limit a service, function,
3 power or authority of a municipality shall be effective in a
4 municipality only if the amendment is also approved by a
5 majority of voters in that municipality voting in the referendum.
6 If approved by a majority of those who voted, the Home Rule
7 Charter amendment shall become effective on the date specified
8 in the amendment or, if not so specified, on January 1 following
9 the election. Each amendment to this Home Rule Charter shall
10 be limited to a single and independent subject.

11 **Section 2. REFERENDUM AND BALLOT LANGUAGE**

12 On November 4, 2008, a general election is to be held, and in accordance with the
13 requirements of the Constitution and Laws of Florida, the following question shall be placed on
14 the ballot by the Supervisor of Elections:

15 REQUIRE BOTH COUNTY AND MUNICIPAL APPROVAL
16 OF CHARTER AMENDMENTS AFFECTING MUNICIPAL
17 POWER OR FUNCTION
18

19 Shall the Palm Beach County Charter be amended to have charter
20 amendments that are approved by a majority of Palm Beach
21 County voters take effect in a municipality only if the amendment
22 is also approved by a majority of voters in that municipality,
23 when the proposed amendment transfers or limits a municipal
24 service, function, power or authority?
25

26 YES _____

27 NO _____

28 **Section 3. FORM OF NOTICE**

29 The form of notice of the election by which this Charter shall be submitted to a
30 referendum shall contain the complete text of Sections 1 and 2 of this Ordinance.

31 **Section 4. ADOPTION BY VOTE OF THE BOARD OF COUNTY COMMISSIONERS**

32 Pursuant to Section 6.3 of the Palm Beach County Charter, this Ordinance providing for
33 amendment to the Palm Beach County Charter was adopted by an affirmative vote of at least
34 four (4) members of the Board of County Commissioners of Palm Beach County.

35 **Section 5. SEVERABILITY**

36 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
37 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
38 such holding shall not affect the remainder of this Ordinance.

1 **Section 6. INCLUSION IN THE CHARTER**

2 In the event this proposed amendment is approved by referendum, Section 1 of this
3 Ordinance shall become and be made a part of the Home Rule Charter of Palm Beach County,
4 Florida. The Articles or Sections of this Charter Amendment Ordinance may be renumbered or
5 relettered to accomplish such, and the word "amendment" may be changed to "section,"
6 "article," or any other appropriate word.

7 **Section 7. EFFECTIVE DATE**

8 The proposed charter amendment set forth in this Ordinance shall become law on
9 January 1, 2009, if approved by a majority of those electors voting on the matter.

10 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
11 County, Florida, on this the 11th day of September, 2007.

12 SHARON R. BOCK, CLERK
13 & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

14
15
16 By: Judith B. Bock
17 Deputy Clerk

By: Addie L. Greene
Addie L. Greene, Chairperson

18
19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY

21
22
23 By: Susan B.
24 County Attorney
25

26 EFFECTIVE DATE: Filed with the Department of State on the 19th day of
27 September, 2007.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on September 11, 2007

dated at West Palm Beach, FL on 10/2/07
By: Diane Brower
Deputy Clerk